

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

1. CANDY N. WEBB,)
vs.)
Plaintiff,)
vs.) Case No. 18-CV-01-SPS
vs.)
1. CITY OF EUFAULA, a political)
subdivision and municipality;)
2. DON MURRAY, individually;)
3. SELINA JAYNE-DORAN,)
Defendants.)

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PLAINTIFF
AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §§ 1331 and 1343, Defendants, City of Eufaula (“**City**”), Don Murray (“**Murray**”), and Selina Jayne-Dornan (“**Jayne-Dornan**”) (collectively, “**Defendants**”), hereby submit their Notice of Removal. In support of their Notice of Removal, Defendants allege and state as follows:

1. The above-captioned matter is a civil action currently pending in McIntosh County District Court, State of Oklahoma. (*See Exhibit 1*, Plaintiff’s Petition). This civil lawsuit falls within this Court’s original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. Accordingly, it can be removed to this Court by Defendants, as it involves a question of federal law, namely a gender discrimination action pursuant to 42 U.S.C. § 1983.

2. On June 26, 2017, Plaintiff, Candy N. Webb (“**Plaintiff**” or “**Webb**”) commenced a civil action in the District Court of McIntosh County, State of Oklahoma, styled as *Candy N. Webb v. City of Eufaula, et al.*, Case No. CJ-2017-49 (*See Exhibit 1*, Plaintiff’s Petition).

3. On December 7, 2017, the City was served with a copy of the Summons and Petition via certified mail. (*See Exhibit 2*, Return of Service).

4. On December 8, 2017, Jayne-Dornan was served with a copy of the Summons and Petition via certified mail. (*See Exhibit 3*, Return of Service).

5. On December 20, 2017, Murray was served with a copy of the Summons and Petition via certified mail. (*See Exhibit 4*, Return of Service).

6. Plaintiff brings the current lawsuit as a result of her termination of employment as a police officer for the City on or about June 23, 2014. Plaintiff alleges that Defendant Murray, as the City's Chief of Police, was a decision maker in her termination, and that Defendant Jayne-Dornan, then-Mayor for the City, was a "final decision maker" in Plaintiff's employment termination. (*See Exhibit 1*, Plaintiff's Petition, at ¶¶ 2-3). According to Plaintiff's Petition, Plaintiff

7. Plaintiff further alleges that she sustained an on-the-job injury in May of 2014, and that Defendants Murry and Jayne-Dornan dissuaded her from seeking benefits under Oklahoma workers' compensation laws, terminated her while she was still under medical care, and accused her of malingering. (*See Exhibit 1*, Plaintiff's Petition, at ¶¶ 4, 11).

8. Plaintiff further alleges she was subject to an employment contract with respect to employee benefits and terms and conditions of employment, and that Defendant City breached said contract by terminating Plaintiff's employment. (*See Exhibit 1*, Plaintiff's Petition, at ¶¶ 8, 21).

9. Plaintiff asserts causes of action for: (1) malicious interference with a contractual relationship (Defendants Murray and Jayne-Dornan); (2) intentional infliction of emotional distress (Defendants Murray and Jayne-Dornan); (3) breach of contract (Defendant City); and (4)

gender discrimination in violation of 42 U.S.C. § 1983. (See Exhibit 1, Plaintiffs' Petition, at ¶¶ 9-27).

10. The Notice of Removal is filed within thirty (30) days following the receipt by the City, the earliest-served of the three Defendants, of Plaintiff's Summons and Petition. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446. (See Exhibit 2, Notice of Service of Process).

11. Removal of this case is proper pursuant to 28 U.S.C. §§ 1331 and 1333, in that the Plaintiff asserts a claim for gender discrimination under 42 U.S.C. § 1983. Therefore, this case presents a federal question and the Court has original jurisdiction.

12. Defendants expressly do not waive any of the defenses and objections set forth in Rule 12(b) of the Federal Rules of Civil Procedure.

13. All state court papers filed in this action at the time of removal and the docket sheet are attached hereto as **Exhibit 5**.

14. Written notice of the filing of this Notice of Removal will be given promptly to the Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of McIntosh County, State of Oklahoma as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, the City of Eufaula, Don Murray, and Selina Jayne-Dornan, pray that this action be removed to the United States District Court for the Eastern District of Oklahoma.

Respectfully Submitted,

WILBURN & MASTERSON

By s/Michael J. Masterson

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Attorneys for Defendants, City of Eufaula, Don Murray, and Selina Jayne-Dornan

CERTIFICATE OF SERVICE

I, MICHAEL J. MASTERSON, hereby certify that on this 3rd day of January, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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